

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

KEVIN JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00602-MPB-MJD
)	
ROBERT E. CARTER, JR., et al.,)	
)	
Defendants.)	

**Order Denying Motion for Court Intervention
and Motion for Defer or Deny Summary Judgment**

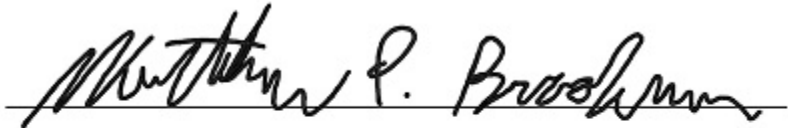
Plaintiff Kevin Johnson has filed a motion for court intervention and contempt and a motion to defer or deny the defendants' motions for summary judgment. In the motion for court intervention, Mr. Johnson states, as he has stated previously, that officials at the Virginia Department of Correction facility where he is currently incarcerated have interfered with his property and hindered his ability to litigate this case. As the Court has previously explained, this Court does not have the authority to direct non-party, out-of-state prison officials to take actions not related to the claims in this case. Dkt. 145. Accordingly, the motion for court intervention and contempt, dkt. [151], is **denied**.

In the motion to defer or deny the motion for summary judgment, Mr. Johnson states that he cannot respond to the motion for summary judgment because of his situation with Virginia correctional officials. Mr. Johnson further states that he is unable to obtain affidavits from witnesses. But Mr. Johnson has had ample time to respond to the motion for summary judgment and even more discovery time to obtain witness statements. His recent filings indicate that he has access to writing materials and can correspond with the Court. And the Court cannot delay this

case indefinitely. Accordingly, his motion to defer or deny summary judgment, dkt. [153], is **denied**. The **clerk shall include** a copy of the motion for summary judgment, dkt. [138], and the evidence, dkt. [137], with Mr. Johnson's copy of this Order. Mr. Johnson shall have **through February 29, 2024**, to respond. If he does not respond, the motion will be considered unopposed. Finally, while the Court cannot order Virginia correction officials to take any particular action, the **clerk is directed** to mail a copy of this Order to Mr. Johnson's current Warden who is requested to help facilitate Mr. Johnson's access to necessary legal materials.

IT IS SO ORDERED.

Dated: February 8, 2024

A handwritten signature in black ink, reading "Matthew P. Brookman", written over a horizontal line.

Matthew P. Brookman, Judge
United States District Court
Southern District of Indiana

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